



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



C. HEIDI GREETHER
DIRECTOR

September 4, 2018

ENFORCEMENT NOTICE

Violation Notice No. VN-008450

CERTIFIED MAIL: 7014-0150-0001-0739-9775

Mr. John Wagner, Director
Environmental Health and Safety
Diamond Chrome Plating, Incorporated
604 South Michigan Avenue
P.O. Box 557
Howell, Michigan 48843

VIOLATION NOTICE and ENFORCEMENT NOTICE

Dear Mr. Wagner:

SUBJECT: Designated Name: Diamond Chrome Plating Inc
National Pollutant Discharge Elimination System (NPDES) Permit No. MI0058204
First Amended Consent Decree (FACD) Case No. 03-1862-CE
Compliance Sampling Inspection (Toxics)
Violation Notice and Enforcement Notice

The Department of Environmental Quality (DEQ), Water Resources Division (WRD), inspected Diamond Chrome Plating Incorporated (hereafter DCP), located at 604 South Michigan Avenue, Howell, Michigan, on May 22, 2018, and May 24, 2018, to determine compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); NPDES Permit No. MI0058204 (NPDES Permit), which was issued on November 14, 2014, and effective October 1, 2015; and the FACD referenced above.

You, Mr. Jim Colmer, Ms. Maryn Revoir, Mr. Guy O'Berry (west roof only), Ms. Sydney Ruhala (morning only), Mr. Micky Leonard (morning only), and Ms. Carla Davidson participated in the inspection. DCP is a metal finisher that discharges treated contaminated storm water and groundwater infiltration to the Marion Genoa Drain via the City of Howell's storm sewers. The inspection included a site review, records review, interview, and sampling of groundwater infiltration to the City's storm sewer on May 22, 2018, and storm water runoff from the DCP site (influent and treated effluent) on May 24, 2018.

Results of the sampling are enclosed for your information. Sample results for per- and polyfluoroalkyl substances (PFAS), specifically perfluorooctane sulfonate (PFOS), demonstrated both that (1) treated contaminated storm water runoff (Monitoring Point [MP] 001B) was significantly elevated and would exceed the DEQ, WRD, treatment technology requirements,

and (2) contaminated groundwater infiltration discharged into the storm sewer (MP 001A) was in exceedance of Water Quality Standards (WQS) for PFOS. Exceedance of the WQS is a violation of the NPDES Permit; Section 3109 of Part 31 of the NREPA; and the 1979 AC R 323.1041 *et seq.*, Part 4. Water Quality Standards Rules, promulgated pursuant to Part 31 of the NREPA, as amended (WQS Rules). See Item 1 below for more details regarding these violations. Sample results for total chromium and hexavalent chromium at MPs 001A and 001B were below permit limitations.

THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ), WATER RESOURCES DIVISION (WRD), LANSING DISTRICT OFFICE, has referred this matter of DCP to the Water Enforcement Unit (EU), requesting escalated enforcement actions for violations of law as set forth herein.

YOU ARE ADVISED THAT the DEQ, WRD, has identified the following violations at the facility:

1. **WQS Rule Violations.** Monitoring results (see Table 1 below) indicate that DCP is discharging PFOS in exceedance of the WQS Rules via contaminated groundwater infiltration to the storm sewer (MP 001A), and also exceeds the WRD's treatment technology expectations at MP 001B. The Rule 323.1057 (Rule 57) value for PFOS is 12 ng/l or ppt and exceedance of this value is a violation of Rule 57 of the WQS Rules, the NPDES Permit, the FACD, and Section 3109 of Part 31 of the NREPA. Laboratory reports for the PFAS analyses were e-mailed to you on June 28, 2018, and are enclosed for your information.

Table 1: DCP Inspection PFOS Results
PFOS Water Quality Standard applicable at
Monitoring Point 001A: 12 ng/l (ppt)

Facility	Sample Date	PFOS ng/L
Storm Water Influent--001B	5/24/2018	12,000
Treated Storm Water Effluent--001B	5/24/2018	6,900
Groundwater Infiltration/City Storm Sewer @Manhole 1379--001A	5/22/2018	57

DCP stated in its letter dated August 9, 2018, that it collected some additional storm sewer system data and speculated regarding the origins of the PFOS in the storm sewer. The DEQ, WRD, is agreeable to meeting with DCP regarding this data as well as the other items in this Violation and Enforcement Notice. In the interim, please provide the DEQ, WRD, with a copy of the monitoring plan used for the sampling event, including measures taken to prevent cross contamination, sampling methods, methods

of analysis, a discussion of the sample points chosen, and any other relevant information.

In addition, DCP discharges process wastewater to the City of Howell Wastewater Treatment Plant (WWTP). On May 22, 2018, you informed the DEQ representatives that DCP had sampled its process wastewater discharges for PFAS upon the request of the City of Howell and that the results were 2,000 ng/l PFOS on May 3, 2018. No other sources of PFOS that discharge to the WWTP have been found. Howell WWTP effluent was shown to be in exceedance of WQS at 130 ng/l PFOS on May 31, 2018. The City is requiring you to reduce and/or eliminate the pass-through of PFOS from DCP's process wastewater and groundwater infiltration that discharges to the sanitary sewer, as required by their NPDES Permit. DCP is required to comply with any requirements of the City of Howell regarding elimination of contaminated groundwater infiltration to the sanitary sewer under Paragraph 5.4(c) of the FACD.

2. **Effluent limit violations.** DCP has reported the following total chromium and hexavalent chromium monitoring violations occurring between September 2017 and May 2018 (see Table 2). These monitoring results are violations of the NPDES Permit. Note that the November 30, 2017, violation is subject to the agreement under Paragraph 5.4(b) of the FACD.

Table 2: DCP NPDES Permit Effluent Violations

Date	Parameter	Monitoring Point	Effluent Limitation		Reported Values	
			Daily Maximum, ug/l	Monthly Average, ug/l	Daily Maximum, ug/l	Monthly Average, ug/l
07/2018	Total Chromium	001B		130		150
05/10/2018	Hexavalent Chromium	001B	15		180	
01/2018	Total Chromium	001B		130		870
11/30/17	Total Chromium	001A		210		240
09/2017	Hexavalent Chromium	001A		11		25.5
09/14/17	Hexavalent Chromium	001A	32		52	
09/7/17	Hexavalent Chromium	001A	32		50	

DCP stated in its letter dated September 19, 2017, that the September exceedances were likely due to an upset in the facility's pretreatment system that caused them to

cease pumping out contaminated groundwater from Monitoring Well MW-404. DCP stated in its December 15, 2017, letter that the cause of the November 2017 exceedance was unknown. On May 18, 2018, DCP submitted an explanation for the May 10, 2018, discharge and stated that the discharge was caused by a bypass due to a pump failure that was not found until later. Ms. Davidson noted in response that the latter reported scrubber leak (scrubber #5, west roof) also contributed to the exceedance, since the influent concentration was elevated at 5,200 ug/l total chromium. During the inspection, the ductwork for scrubber #5 was observed to be old and had a makeshift pipe underneath it. DCP representatives explained that the pipe routed condensed chromic acid back to the plating baths, but that the connection to the duct had failed on May 10, 2018, causing the leak of chromic acid to the roof. DCP commented in its July 2018 Discharge Monitoring Report (DMR) that redistribution of the treatment media prior to the discharge may have caused the July 2018 total chromium violation.

As stated above, on May 10, 2018, DCP's influent (untreated storm water runoff from the site) results at MP 001B were 5,200 ug/l for total chromium. Influent results on October 15, 2017, were 1,100 ug/l total chromium. Although these results do not constitute a separate violation, they indicate that improved maintenance, cleaning, repair, and/or housekeeping measures should be taken to ensure that final effluent limits are met in the future and to preserve treatment system media longevity.

3. **Incomplete Storm Water Pollution Prevention Plan (SWPPP) daily roof inspections and documentation.** DCP failed to conduct and document air pollution control equipment inspections as required by the FACD and NPDES Permit. These inspections are important since failure to adequately maintain these systems contributed to the effluent limit violations described above for MP 001B.
 - a. West Roof. Paragraph 5.3 (b) of the FACD requires that DCP "shall inspect all ductwork and control equipment...()...each day the Facility is in production to identify any release of an air contaminant to the environment that fails to be appropriately conveyed to the control equipment for control and removal." In addition, Paragraph 5.4 (a) of the FACD requires compliance with the NPDES Permit, which requires implementation of the approved SWPPP under Part I.B.1. of the NPDES Permit. The approved SWPPP requires daily roof inspections and specific documentation, including documentation of leaks, cleaning, and repair (with times and dates for each), as well as inspector(s). During the inspection, you said that inspections of the west roof were not previously being conducted but were now being conducted by a new employee (Mr. O'Berry), although inspections have not been documented as required by the FACD and the NPDES Permit. Review of the approved SWPPP shows DCP's commitment to inspect its roof and exposed air pollution control equipment, but the west roof is not specifically mentioned or referenced on the roof duct diagram. Failure to inspect and document your inspections on the west roof is a violation of the FACD and the NPDES Permit. DCP provided a draft inspection form during the May 22, 2018, inspection, and Ms. Davidson commented that the form would need to document that the inspections were conducted (including the date, time, and inspector), observations noted, and cleaning and repairs, with the dates and

times noted. You said during a telephone call with Ms. Davidson on June 26, 2018, that DCP was conducting and documenting inspections on the west roof area.

- b. East roof. DCP provided a response to the DEQ and Air Quality Division (AQD) regarding the failure to repair roof ducts, alleging that chromic acid may "self-seal" in the ducts for some leaks; therefore, some leaks are not repaired and repairs could weaken the ducts. This practice is not what was agreed upon in the FACD and approved in the SWPPP. Leaks must be repaired within 48 hours of being identified per Paragraph 5.3(b) of the FACD and Item 7.2 of the approved SWPPP, which shall be implemented in accordance with Part I.B.1. of the NPDES Permit. Failure to repair the leaks is a violation of the NPDES Permit and the FACD. As described in the DEQ's and AQD's letter dated May 14, 2018, there were three instances of leaks where repairs were not made. DCP shall repair any current leaks and ensure that the chosen method of repair does not weaken the ducts.
 - c. Documentation. This letter provides notice that the failure to document the date of the August 17, 2017, leak repair is a violation of your NPDES permit and Paragraph 5.4(a) of the FACD.
 - d. Tracking ductwork leaks. Paragraph 5.3 (e) of the FACD requires DCP to replace ductwork where ten releases are identified. DCP shall continue to track leaks on the east ductwork and add those for the west roof duct. Please provide a copy of your current tracking documentation, updated with the new ductwork designations, the west roof, and any leaks documented to-date.
4. **Incomplete O & M Manual.** DCP was required to submit for approval an Operations and Maintenance (O & M) Manual for its storm water collection and treatment system by March 1, 2015. An incomplete O & M Manual was submitted on June 2, 2015, and the WRD provided comments that the submittal was inadequate. DCP submitted a revision on August 28, 2015, via e-mail, and the WRD provided comments on June 6, 2017, that the Manual remained incomplete. A third proposed O & M Manual was submitted on October 16, 2017, which the WRD determined was still incomplete. We note specifically that the information required in Part I.A.6.e. and Part I.A.6.g. continues to be missing. See the enclosed list of deficiencies that still need to be addressed before the O & M Plan may be approved. O & M is important as evidenced by the violation on May 10, 2018, where inadequate maintenance of the storm water collection system allegedly caused a partial bypass of treatment that contributed to the violation. The DEQ notes that a leak of chromic acid to the roof (causing influent total chromium of 5,200 ug/l) also contributed to the violation.
5. **Reporting Violations.** DCP was required to submit the November 2017 DMR on or before December 20, 2017. This report was not submitted until July 2, 2018, more than 180 days late. In addition, the DMR due August 20, 2017, was submitted on August 22, 2017. Failure to submit DMRs on or before the due date (the 20th of the following month) is a violation of the NPDES Permit and is considered a significant violation if it is more than 90 days overdue.

6. **Certified Operator.** DCP is required to have an operator certified to operate its contaminated storm water treatment system for *B-3b: Carbon Adsorption* and *B-3c: Reduction of Hexavalent Chromium* in accordance with the DEQ, WRD's, letter dated July 2, 2008. DCP has failed to have a certified operator overseeing the operation of the storm water treatment system since Mr. Tom Poplawski retired in August 2017. This is a violation of Part II.D.2. of the NPDES Permit and Paragraph 5.4 (a) of the FACD. You discussed this issue with Mr. James Colmer and you told me during the May 22, 2018, inspection that BB & E would provide oversight with the proper certifications to correct this violation.
7. **Calibration of Equipment.** During the inspection, representatives of DCP could find no records of when the effluent flow meter was last calibrated by the manufacturer or vendor. This is part of DCP's QA/QC program and is a requirement of the NPDES Permit.
8. **Method of Analysis.** During the May 22, 2018, inspection, DCP representatives did not know what method DCP was using to analyze for pH on-site.
9. **Bypass Report.** DCP has had several bypasses since the permit was issued, but has failed to sample for volatiles, as required under Part I.A.5. of the NPDES Permit. Failure to monitor two bypass events for volatiles is a violation of the terms and conditions of the NPDES Permit.
10. **Sampling.** During the inspection, Ms. Revoir reported that samples were not chilled until the sample was collected from the sampler. Failure to chill composite samples, as required during sampling, is a violation of 40 CFR Part 136.3, Table II, footnote 2.

DCP IS HEREBY NOTIFIED that the violations identified in this Violation Notice and Enforcement Notice are violations of Part 31, Water Resources Protection, and Part 55, Air Pollution Control, of the NREPA; MCL 324.3101 et seq.; the NPDES Permit; and the FACD.

DCP is requested to immediately undertake all actions necessary to resolve all violations identified in the DEQ, WRD's letters dated July 6, 2015, and June 6, 2017, and this Violation Notice and Enforcement Notice.

DCP is hereby REQUESTED THAT ON OR BEFORE October 4, 2018, and in accordance with the following, it shall:

1. **PFAS Reduction Plan.** DCP shall submit a corrective action plan with a date-specific schedule to eliminate discharges of PFOS greater than technology-based standards and the Rule 57 WQS (from MPs 001B and 001A, respectively) to the Marion Genoa Drain. PFOS from treated contaminated storm water runoff shall be reduced through installation of a treatment system, such as a multi-stage, granular, activated carbon treatment, at MP 001B within 90 days of the date of this letter. If other actions, such as product substitution and site/process cleanup, are also taken, they should be included as part of the corrective action plan and schedule. In addition, infiltration of contaminated groundwater to the storm sewer shall be addressed. Please include any PFAS results from DCP groundwater monitoring wells and discuss how DCP will address infiltration to

the storm sewers as part of your plan. Further, DCP shall comply with any City of Howell requirements to eliminate contaminated groundwater infiltration to the sanitary sewer.

2. **PFAS Monitoring.** DCP is hereby required to conduct weekly monitoring for PFAS (including PFOS) at MPs 001A and 001B starting in September 2018. Samples shall be taken at both monitoring points during discharge from DCP's storm water treatment system every week but the final week of the month. During that week, samples at MP 001A shall be taken prior to the discharge of DCP's treated storm water discharge. Samples taken at MP 001A when DCP's storm water treatment system is being discharged shall be taken after the discharge at MP 001B begins and at a time when effluent from MP 001B is expected to be present at MP 001A. Please submit the laboratory reports to us via MiWaters as an "NPDES Unscheduled Permit Required Report" or as otherwise directed by compliance staff. The WRD is requiring this additional monitoring under the authority of R 323.2154(3) of the Part 21 Rules of the NREPA. Analytes shall be consistent with the enclosed "DEQ PFAS Minimum Laboratory Analytes List." Please include your sampling procedures and selected method of analysis, which must achieve a quantification level below the Rule 57 WQS, in the corrective action plan required in item 1 above. Note that it will be important not to cross-contaminate samples. We have enclosed the DEQ's wastewater sampling guidance for your use. Please contact Ms. Carla Davidson for assistance if needed.
3. **Effluent Limit Violations.** DCP is required to take the actions necessary, including pollution prevention and housekeeping activities, to comply with the effluent limitations and reporting requirements in the NPDES Permit.
4. **SWPPP Requirements.** DCP shall do the following to comply with the FACD and the NPDES Permit.
 - a. DCP shall conduct and document its inspections of all air pollution control equipment, including the west roof. Documentation of the inspection of all air pollution control equipment must include the inspector, date and time of the inspection, observations of any leaks, date and time of cleaning, and date and time of the repair, as required in your approved SWPPP and the FACD. Please document west roof inspections and add to your inspections any other air pollution control equipment that is exposed to storm water.
 - b. DCP shall revise the "Duct Designation Plan" to include all air pollution control equipment exposed to storm water.
 - c. DCP shall review its SWPPP and propose any modifications needed to document that the facility personnel will inspect and document inspections of all pollution control equipment exposed to storm water.
 - d. DCP shall include updated documentation of recent releases under Table 2 of the proposed revised SWPPP. Any proposed SWPPP revisions should be submitted via MiWaters as minor modifications to the NPDES Permit.
5. **Certified Operator.** DCP shall verify in writing that you have coverage of a certified operator for your contaminated storm water treatment system and fill out the enclosed form with the certified operator information and submit it via MiWaters (using the

compliance schedule NPDES Unscheduled Permit Required Reports). Note that the certified operator must have oversight and knowledge of the daily operations associated with the treatment system. The WRD urges DCP to have two employees study for and take the certified operator exam to obtain certification. Information about operator certification requirements was sent to you via e-mail on July 20, 2018. Please resubmit the enclosed form with the updated information when DCP's facility staff become certified operators.

6. **Incomplete O & M Manual.** Please revise your proposed O & M Plan to address the enclosed comments.
7. **Calibration of Equipment.** DCP shall keep records of effluent flow meter calibration by the manufacturer or vendor. This is part of DCP's QA/QC program and is a requirement of the NPDES Permit. Please search DCP's records for the last calibration event, ensure that the flow meter is calibrated as recommended by the manufacturer, and keep records of when equipment used for NPDES reporting is calibrated, replaced, or otherwise serviced.
8. **Method of Analysis.** DCP shall provide the method used for the analysis of pH. The DEQ recommends that the methods of analysis be listed on laboratory bench sheets for those analyses conducted on-site.
9. **Bypass Report.** DCP is required to sample for volatiles during a bypass of treatment over the next two bypass events to satisfy the requirements of the NPDES Permit.
10. **Sampling.** Samples shall be chilled, including during composite sampling. Add ice to your sampler at the beginning of the sample period or use a sampler that is capable of chilling the aliquots as they are sampled.
11. **Contact.** Mr. Wagner informed Ms. Davidson on August 23, 2018, that he would be retiring on September 7, 2018. Please provide the name and contact information for DCP's replacement Project Coordinator as required by Paragraph 13.1 of the FACD.

THE VIOLATIONS identified herein, as well as any additional violations discovered hereafter, must be formally resolved through entry of a legally enforceable document. At this time, the WRD is offering an Administrative Consent Order (ACO) under the authority of Section 3106 and 3112(4) of Part 31 of the NREPA to resolve the violations not specifically included in the FACD. Negotiations to resolve this matter through the ACO shall not, in general, exceed 90 days.

The WRD reserves its right to take all necessary and appropriate enforcement actions for all violations of Part 31 of the NREPA, the Part 31 Rules, and the NPDES Permit that have occurred to date, and any violations of Part 31 of the NREPA, the Part 31 Rules, and the NPDES Permit that may occur in the future. These actions may include, but are not limited to, seeking civil fines, injunctive relief, natural resources damages, all costs associated with this enforcement action, including attorney costs, and any other relief available to the WRD.

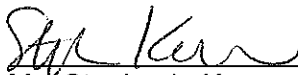
Diamond Chrome Plating
NPDES Permit No. MI0058204
Violation Notice No. VN-008450
Enforcement Notice
September 4, 2018
Page 9

The facility's continuing failure to comply with the terms of Part 31 of the NREPA, the Part 31 Rules, and the NPDES Permit, or other requirements set forth in this Violation Notice and Enforcement Notice, may result in additional fines, penalties, or other actions.

Pursuant to Section 1511 of Part 15 of the NREPA, DCP would like to request a preliminary meeting with the WRD to discuss any factual information regarding the violations listed in this Violation Notice and Enforcement Notice on September 26, 2018, at 10:00 am to noon at Constitution Hall. Alternatively, we could be available on September 19, 2018, from 9:00 am to 11:00 am at Constitution Hall. If you would like to participate in such a meeting, please contact Ms. Carla Davidson at davidsonc@michigan.gov; 517-243-1249; or DEQ, WRD, Lansing District Office, 525 West Allegan Street, Constitution Hall, 1st Floor South, P.O. Box 30242, Lansing, Michigan 48909-7742, **NOT LATER than 10 days from your receipt of this NOTICE.**

**STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION**

Date Issued: 9-4-18


Ms. Stephanie Kammer, Supervisor
Lansing District Office
Water Resources Division

ADDRESS FOR FURTHER CORRESPONDENCE:

Ms. Carla Davidson
Senior Environmental Quality Analyst
Lansing District Office
525 West Allegan Street, 1st Floor South
Lansing, Michigan 48933

Enclosures: PFAS Laboratory Report 5/22/18
PFAS Laboratory Report 5/24/18
O & M Plan Deficiencies
DEQ PFAS Minimum Laboratory Analytes List
Point Source Monitoring Report
Certified Operator Form
DEQ Wastewater Sampling Guidance

cc: Mr. Jerry Chinn, DCP
Mr. Jim Colmer, BB & E
Mr. Brian Negele, DAG (electronic)
Mr. Jon Russell, DEQ, WRD (electronic)
Mr. David Pingel, DEQ, WRD (electronic)
Ms. Carla Davidson, DEQ, WRD (electronic)
Ms. Maureen Nelson, DEQ, WRD (electronic)
Mr. Dan McGeen, DEQ, AQD (electronic)
Ms. Rebecca Taylor, DEQ, RRD (electronic)
Mr. Brian Grochowski, DEQ, WMRPD (electronic)